

(Added Pub. L. 110-181, div. A, title VI, § 661(a)(2), Jan. 28, 2008, 122 Stat. 169; amended Pub. L. 110-417, [div. A], title VI, § 618(c), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111-84, div. A, title VI, § 614(5), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111-383, div. A, title VI, § 614(5), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, § 614(5), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112-239, div. A, title VI, § 614(5), Jan. 2, 2013, 126 Stat. 1777.)

AMENDMENTS

2013—Subsec. (k). Pub. L. 112-239 substituted “December 31, 2013” for “December 31, 2012”.

2011—Subsec. (k). Pub. L. 112-81 substituted “December 31, 2012” for “December 31, 2011”.

Pub. L. 111-383 substituted “December 31, 2011” for “December 31, 2010”.

2009—Subsec. (k). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (e)(1)(D)(i). Pub. L. 110-417 substituted “dental officers” for “dental surgeons”.

TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS

Pub. L. 110-417, [div. A], title VI, § 620(a), Oct. 14, 2008, 122 Stat. 4489, provided that:

“(1) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 335 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 169), the following health professions are designated as a critically short wartime specialty under subsection (a)(2) of such section:

“(A) Psychologists who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology and are fully licensed and such other mental health practitioners as the Secretary concerned determines to be necessary.

“(B) Registered nurses.

“(2) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section [enacting this note and section 302c-1 of this title], the Secretary concerned may enter into an agreement under subsection (f) of section 335 of title 37, United States Code, to pay a health professions bonus under such section to a person who accepts a commission or appointment as an officer and whose health profession specialty is specified in paragraph (1) of this subsection.

“(3) SECRETARY CONCERNED DEFINED.—In this subsection, the term ‘Secretary concerned’ has the meaning given that term in section 101(5) of title 37, United States Code.

“(4) EFFECTIVE PERIOD.—The designations made by this subsection and the authority to enter into an agreement under paragraph (2) of this subsection expire on September 30, 2010.”

§ 351. Hazardous duty pay

(a) HAZARDOUS DUTY PAY.—The Secretary concerned may pay hazardous duty pay under this section to a member of a regular or reserve component of the uniformed services entitled to basic pay under section 204 of this title or compensation under section 206 of this title who—

(1) performs duty in a hostile fire area designated by the Secretary concerned, is exposed to a hostile fire event, explosion of a hostile explosive device, or any other hostile action, or is on duty during a month in an area in which a hostile event occurred which placed the member in grave danger of physical injury;

(2) performs duty designated by the Secretary concerned as hazardous duty based

upon the inherent dangers of that duty and risks of physical injury; or

(3) performs duty in a foreign area designated by the Secretary concerned as an area in which the member is subject to imminent danger of physical injury due to threat conditions.

(b) MAXIMUM AMOUNT.—The amount of hazardous duty pay paid to a member under subsection (a) shall be based on the type of duty and the area in which the duty is performed, as follows:

(1) In the case of a member who performs duty in a designated hostile fire area, as described in subsection (a)(1), hazardous duty pay may not exceed \$450 per month.

(2) In the case of a member who performs a designated hazardous duty, as described in subsection (a)(2), hazardous duty pay may not exceed \$250 per month.

(3) In the case of a member who performs duty in a foreign area designated as an imminent danger area, as described in subsection (a)(3), hazardous duty pay may not exceed \$250 per month.

(c) METHOD OF PAYMENT; PRORATION.—

(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay—

(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned—

(i) shall prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month; or

(ii) in the case of a member who is exposed to hostile fire or an explosion of a hostile explosive device in or for a day or portion of a day, may, at the election of the Secretary, pay the member hazardous duty pay in an amount not to exceed the entire amount of hazardous duty pay that would be payable to the member under such paragraph (1) for the month in which the duty concerned occurs (with the total amount of hazardous duty pay paid the member under this clause in any given month not to exceed such entire amount); and

(B) in the case of hazardous duty pay payable under paragraph (2) or (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.

(d) ADMINISTRATION AND RETROACTIVE PAYMENTS.—The effective date for the designation of a hostile fire area, as described in paragraph (1) of subsection (a), and for the designation of a foreign area as an imminent danger area, as described in paragraph (3) of such subsection, may be a date that occurs before, on, or after the actual date of the designation by the Secretary concerned.

(e) DETERMINATION OF FACT.—Any determination of fact that is made in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1) is conclusive. The determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the Secretary concerned may change the determination on the basis of new evidence or for other good cause.

(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

(1) IN ADDITION TO OTHER PAY AND ALLOWANCES.—A member may be paid hazardous duty pay under this section in addition to any other pay and allowances to which the member is entitled. The regulations prescribed to administer this section shall address dual compensation under this section for multiple circumstances involving performance of a designated hazardous duty, as described in paragraph (2) of subsection (a), or for duty in certain designated areas, as described in paragraph (1) or (3) of such subsection, that is performed by a member during a single month of service.

(2) LIMITATION.—A member may not receive hazardous duty pay under this section for a month for more than three qualifying instances described in subsection (a)(2).

(g) PROHIBITION ON VARIABLE RATES.—The regulations prescribed to administer this section may not include varied criteria or rates for payment of hazardous duty for officers and enlisted members.

(h) TERMINATION OF AUTHORITY.—No hazardous duty pay under this section may be paid after December 31, 2013.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 172; amended Pub. L. 110–417, [div. A], title VI, §618(d), (e), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111–84, div. A, title VI, §§614(6), 618(b), Oct. 28, 2009, 123 Stat. 2354, 2356; Pub. L. 111–383, div. A, title VI, §614(6), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §§614(6), 616(b), Dec. 31, 2011, 125 Stat. 1450, 1451; Pub. L. 112–239, div. A, title VI, §614(6), Jan. 2, 2013, 126 Stat. 1777.)

AMENDMENTS

2013—Subsec. (h). Pub. L. 112–239 substituted “December 31, 2013” for “December 31, 2012”.

2011—Subsec. (c)(2). Pub. L. 112–81, §616(b), substituted “receipt of hazardous duty pay—” for “receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.” and added subpars. (A) and (B).

Subsec. (h). Pub. L. 112–81, §614(6), substituted “December 31, 2012” for “December 31, 2011”.

Pub. L. 111–383 substituted “December 31, 2011” for “December 31, 2010”.

2009—Subsecs. (c) to (h). Pub. L. 111–84, §618(b), added subsec. (c), redesignated former subsecs. (e) to (i) as (d) to (h), respectively, and struck out former subsecs. (c) and (d), which related to method of payment and reserve component members performing inactive duty training.

Subsec. (i). Pub. L. 111–84, §618(b)(1), redesignated subsec. (i) as (h).

Pub. L. 111–84, §614(6), substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (c). Pub. L. 110–417, §618(d), substituted “paragraph (1) or (3) of subsection (a)” for “subsection (a)”.

Subsec. (f). Pub. L. 110–417, §618(e), substituted “in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1)” for “in administering subsection (a)” and struck out at end “The regulations prescribed to administer this section shall define the activities that are considered hazardous for purposes of subsection (a)(2).”

§ 352. Assignment pay or special duty pay

(a) ASSIGNMENT OR SPECIAL DUTY PAY AUTHORIZED.—The Secretary concerned may pay assignment or special duty pay under this section to a member of a regular or reserve component of the uniformed services who—

(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

(2) performs duties in an assignment, location, or unit designated by, and under the conditions of service specified by, the Secretary concerned.

(b) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

(1) LUMP SUM OR INSTALLMENTS.—Assignment or special duty pay under subsection (a) may be paid monthly, in a lump sum, or in periodic installments other than monthly, as determined by the Secretary concerned. If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member’s actual qualifying service during the month.

(2) MAXIMUM MONTHLY AMOUNT.—The maximum monthly amount of assignment or special duty pay may not exceed \$5,000.

(3) MAXIMUM LUMP SUM AMOUNT.—The amount of a lump sum payment of assignment or special duty pay payable to a member may not exceed the amount equal to the product of—

(A) the maximum monthly rate authorized under paragraph (2) at the time the member enters into a written agreement under subsection (c); and

(B) the number of continuous months in the period for which assignment or special duty pay will be paid pursuant to the agreement.

(4) MAXIMUM INSTALLMENT AMOUNT.—The amount of each installment payment of assignment or special duty pay payable to a member on an installment basis may not exceed the amount equal to—

(A) the product of—

(i) a monthly rate specified in the written agreement entered into under subsection (c), which monthly rate may not exceed the maximum monthly rate authorized under paragraph (2) at the time the member enters into the agreement; and

(ii) the number of continuous months in the period for which the assignment or special duty pay will be paid; divided by